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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/891,331

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Karin Axelsson

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BANNER & WITCOFF

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/891,331	<b>Applicant(s)</b> AXELSSON ET AL.	
	<b>Examiner</b> KIEU-OANH BUI	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Remark & Response to Arguments***

1. Claim 36 is previously added, and pending claims are claims 1-36 for reconsideration.
2. Applicant's arguments filed 10/02/06 have been fully considered but they are not persuasive and the examiner firmly stays on the rejection grounds as previously disclosed. Applicants' representative attempts to quickly deny the Lewitt's reference by claiming that the non-provisional application 10/027,112 or US Patent Pub 2002/0151327 A1 of Lewitt, which claims the priority on the provisional application of Lewitt 60/258,115 (which filed and dated on December 22, 2000), does not disclose the subject matter in the provisional application; and he was unable to locate the discussion of Lewitt, page 6/par 72-73 or page 15/par 272 and conclude that this same reasoning applies to other pending claims as well, without any further comments or arguments on the content of the rejection of the office action from the examiner.

The examiner diligently searched and printed out the non-provisional application of Lewitt, document no. 60/258,115 and found out the whole statements as noted above by the applicants' representative are untrue and incorrect. The examiner easily locate the questioned paragraphs in the non-provisional application, for example, the same content of page 6/par 72-73 is found on page 10/last paragraph to page 11/two paragraphs on top, and the content of page 15/par 272 is found on page 27/last paragraph and continues on to the next page 28, first paragraph. The content of the provisional application is almost identical to non-provisional application 10/027,112. If the applicants' representative did happen to get a wrong copy of the provisional application of Lewitt, the examiner is pleased to fax in a copy; however, the examiner believes the copy is also available in PAIR system.

***Claim Rejections - 35 USC 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 1-15, 22-32, and 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Levitt (U.S. Patent Pub US2002/0151327 A1).

Regarding claim 1, Levitt discloses “a method of managing Electronic Program Guide data in a digital entertainment system comprising a multimedia terminal said method comprising the following steps: retrieving Electronic Program Guide data in said multimedia terminal; transferring said Electronic Program Guide data from said multimedia terminal to a mobile terminal; editing said Electronic Program Guide data by means of said mobile terminal; and transferring said transferred edited Electronic Program Guide data from said mobile terminal to said multimedia terminal”, i.e., electronic program guide data or EPGs is retrieved from the set top box or a multimedia terminal, refer to page 1/0006 & page 2/ 0011, and page 3/0018 & page 5/0069 for an entertainment device 24 is a set top box or a home PC and so on, the EPGs is transferring to a mobile device or PDA device due to the fact that the handheld device controls the other electronic devices comprising the set top boxes, televisions, CD/DVDs etc., and a user of the PDA can retrieve the television program scheduling, and further in page 9, 0146-0147 as

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the EPG guide data from a home PC (which is an entertainment device 24 as shown in Fig. 1) is transmitted to the mobile terminal PDA; then he/she can review and edit/customize his/her preference choice and then provides their updated or edited EPG data to the multimedia device, refer to Figs. 1 & 4D-4E, and page 3/par. 0017-0019 and 0021-0023; and further on page 6/par. 0072-0073 for the user customize their personal preferences for programming and the “edited” or customized EPG data can be transferred or downloaded the user’s home PC system, (which includes consumer electronics as disclosed earlier in 0018). The example of ordering a PPV program using the handheld device and the set top box is a clear indication of the mobile device controls the set top box (page 15/par. 0272) and/or page 6/par. 0073 for the handheld device sends command to the entertainment device 24 (television, set top box, VCRs) to select or record a program, to update its EPGs and other broadcast program directories.

As for claim 2, Levitt discloses “wherein the step of transferring said Electronic Program Guide data to a mobile terminal is preceded by the additional step of editing said Electronic Program Guide data”, i.e., the EPG data is being updated or edited before transmitting to the mobile terminal, refer to page 9/par. 0147 as schedules can be updated before the user performs synchronization to the mobile device.

As for claim 3, Levitt further discloses “wherein the step of editing said Electronic Program Guide data comprises setting a reminder, requesting a recording, and/or filtering said Electronic Program Guide data” (page 18/par. 0314 to 0336 for a scenario of setting a reminder, requesting a recording and do filtering for some programs not interested).

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As for claims 4, Levitt further discloses “wherein the step of transferring said Electronic Program Guide data to said multimedia terminal is preceded by the additional step of transferring said Electronic Program Guide data from said mobile terminal to a second mobile terminal”, i.e., PDA mobile device can connect to other wireless mobile or fixed device using two-way wireless technology and protocols, i.e., RF or Bluetooth (page 3/par. 0018).

As for claims 5 and 32, Levitt further discloses “wherein the additional step of transferring said Electronic Program Guide data from said mobile terminal to a second mobile terminal comprises using IR communication or a Short Message Service” (page 3/par. 0018 for IRDA communication).

As for claim 6, Levitt further discloses “wherein said mobile terminal comprises any of the following: a mobile phone, a Personal Digital Assistant, and a remote control” (page 2/par. 0011 & page 3/par. 0017 & 0018).

As for claims 7 and 8, Levitt further discloses “wherein the step of retrieving Electronic Program Guide data comprises using a cable, terrestrial, or satellite network, or a data network” (page 1/par. 0006 for cable, terrestrial and satellite networks, and page 3/par. 0021 & page 5/par. 0071 for Internet as a data network); and “wherein said data network comprises the Internet” (page 3/par. 0021 & page 5/par. 0071).

As for claim 9, Levitt further discloses “wherein the step of transferring said Electronic Program Guide data to a mobile terminal comprises using any of the following: infrared communication, radio communication, and wired communication” (page 3/par. 0018).

As for claim 10, Levitt further discloses “wherein said radio communication operates in accordance with the Bluetooth® standard” (page 3/par. 0018).

As for claim 11, Levitt discloses “wherein using wired communication comprises using a docking station” (wired cradle as a docking station, page 3/par. 0018).

As for claims 12 and 13, Levitt discloses “wherein the step of transferring said Electronic Program Guide data to said multimedia terminal involves an authentication procedure” and “wherein said authentication procedure comprises supplying a PIN code to said multimedia terminal” (page 15/par. 0272 as an authentication using a PIN code between the handheld device and the set top box).

As for claim 14, Levitt discloses “wherein the step of editing said Electronic Program Guide data by means of said mobile terminal comprises filtering said Electronic Program Guide data by means of a personalized filter” (page 3/par. 0022-0023 for filtering within the mobile terminal for personalized pages).

As for claim 15, Levitt discloses “wherein said Electronic Program Guide data comprises any of the following items: TV channel, name, unique identification, start and stop times, classification, abstract, and Internet Protocol address” (Figs. 4B, 4D, 4E, and page 12/par. 0212 to par. 0217).

Regarding claims 22-27, 28-31, and 36 (a computer product for method claim 1 above), these claims with same or similar features for a mobile terminal (page 6/par. 0073-0078 for additional details on mobile terminal and software architecture) and a computer program product, respectively, applied the method of claims 1-15 are rejected for the reasons given in the scope of claims 1-15 as disclosed in detailed above.

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For claim 28, the steps of receiving EPG from a **first multimedia terminal**, editing the EPG data as discussed in claim 1 above, then the EPG is transmitted to a **second multimedia terminal**, and Levitt discloses these features as well (page 9/par. 0142 for adding users and devices and changing locations and services; and also refer to page 16/par. 0285 to 0288 which means the user can receive the EPG on his mobile device—page 11/0203—at a remote location, i.e., his friend house, he can use his friend's television set for enjoying his preferences based on his customized EPG data for contents and directories).

For claim 35, Lewett discloses all of this claim as discussed in claim 1 and 8 above for the concern of receiving EPG from a **first multimedia terminal**, editing the EPG data, then the EPG is transmitted to a **second multimedia terminal**.

#### *Claim Rejections - 35 USC 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

6. Claims 16-21 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ et al (U.S. Patent Pub US 2002/0059642 A1) in view of Levitt (U.S. Patent Pub US 2002/0151327 A1).



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Regarding claims 16 and 33-34, Russ discloses “a multimedia terminal comprising: control electronics; a tuner connected to said control electronics; an electronic storage connected to said control electronics; a communication device connected to said control electronics for communication with a mobile terminal; a display connector and to wherein said terminal is arranged to receive Electronic Program Guide data transmitted by said mobile terminal” (Figs. 1A-1C & 2, and page 2/par. 0022-0023 and page 4/par. 0039-0041 for components of the set top box includes all of the claimed elements, and the set top box or multimedia terminal communicates wirelessly to other mobile terminal, refer to page 3/par. 0035-0036 as well as receiving the EPG data, page 5/par. 0043 & 0048).

This claim contains same feature as discussed in claim 1 for the EPG data is retrieved from the multimedia terminal and sent to the mobile terminal, and the mobile device sends back the EPG data to the multimedia terminal the edited EPG data. Russ does not teach this feature; however, ., electronic program guide data or EPGs is retrieved from the set top box or a multimedia terminal, refer to page 1/0006 & page 2/ 0011, and page 3/0018 & page 5/0069 for an entertainment device 24 is a set top box or a home PC and so on, the EPGs is transferring to a mobile device or PDA device due to the fact that the handheld device controls the other electronic devices comprising the set top boxes, televisions, CD/DVDs etc., and a user of the PDA can retrieve the television program scheduling, and further in page 9, 0146-0147 as the EPG guide data from a home PC (which is an entertainment device 24 as shown in Fig. 1) is transmitted to the mobile terminal PDA; then he/she can review and edit/customize his/her preference choice and then provides their updated or edited EPG data to the multimedia device, refer to Figs. 1 & 4D-4E, and page 3/par. 0017-0019 and 0021-0023; and further on page 6/par.

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0072-0073 for the user customize their personal preferences for programming and the “edited” or customized EPG data can be transferred or downloaded the user’s home PC system, (which includes consumer electronics as disclosed earlier in 0018). The example of ordering a PPV program using the handheld device and the set top box is a clear indication of the mobile device controls the set top box (page 15/par. 0272) and/or page 6/par. 0073 for the handheld device sends command to the entertainment device 24 (television, set top box, VCRs) to select or record a program, to update its EPGs and other broadcast program directories.

Therefore, it would have been obvious to one of an ordinary skill in the art to modify Russ’ multimedia terminal with Levitt’s teaching technique of exchanging the EPG data between the handheld device and the set top box or multimedia terminal in order to provide the user the option to control and update customized EPG data due to personal preferences at a remote location at ease by transferring EPG data to the mobile device from a multimedia device, the user modifies and updates the content and then the mobile terminal’s user transfers the updated EPG data to the multimedia terminal as taught by Levitt.

As for claim 17, Russ further discloses “comprising a device for connecting to a cable, terrestrial, or satellite network, or to a data network” (Fig. 1, and page 1/par. 0021).

As for claim 18, Russ further discloses “comprising an infrared communication device, a radio communication device, or a wired communication device” (Figs. 2 & 4, and page 4/par. 0039-0040).

As for claim 19, Russ further discloses “wherein said radio communication device operates in accordance with the Bluetooth® standard” (page 1/par. 0004).

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As for claim 33-34, refer to claim 16 above for the edited EPG and request for recording a program.

Regarding claim 20, Russ does not show “wherein said wired communication device comprises a docking station”; however, this is so well known in the art. In fact, Levitt discloses to use a wired cradle as a docking station for communicating between the mobile device and the PC (Levitt, page 3/par. 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Russ’ system with a wired cradle as a docking station for communicating between the mobile device and the PC as taught by Levitt as some alternative method for either wireless or wired two-way connection between the mobile device and the PC using the data network or the Internet.

As for claim 21, Russ does not further describe “wherein said Electronic Program Guide data comprises any of the following items: TV channel, name, unique identification, start and stop times, classification, abstract and Internet Protocol address”; however, Levitt teaches these claimed features (Levitt, Figs. 4B, 4D, 4E, and page 12/par. 0212 to par. 0217). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Russ’ system with Levitt’s detailed features of the EPG data as noted in order to offer the user detailed features of the electronic program guide for their enjoyment in searching and selecting preferred elements from the EPG as noted.

***Conclusion***

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

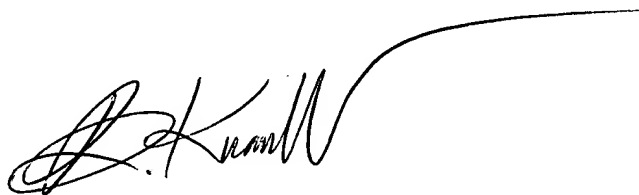
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Miller, can be reached on (571) 272-7353.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long, sweeping horizontal line extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB  
Dec. 07, 2006